

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
TC/A.U. 3761

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APR 24 2007

REMARKS/ARGUMENTS

Rejection of Claims 1, 2, 4, 13, 14, 16, 17, 31, 32, 36, and 42 Under 35 U.S.C. sec. 102(e)

In an Office Action dated 24 January 2007, the Examiner rejected the above-identified claims as anticipated by U.S. Patent Application Publication Number 2003/0216705 to Coates (the "Coates" reference). We respectfully disagree with the Examiner's analysis and ask that this rejection be withdrawn.

To anticipate a patent-application claim, a cited reference must disclose each and every element recited in that claim. While the Coates reference discloses what appears to be a woven "boxer style garment" having a "pocket sling" that extends all the way from the front of the garment ("Pocket sling 19 is sewn under or to elastic 11 in the center back of the short 15 at 14A. Pocket sling frontal portion is centered at 49 [i.e., center front in Figure 10] and attached to or under elastic 11."). (See generally col. 4-5, para. 82; and specifically last two lines of this paragraph; text in brackets [] added to clarify location of designator 49.) The Coates reference does not explicitly disclose two elastic waistbands as recited in claims 1, 2, 4, 13, 14, 16, and 17 in the present application. Claim 1 recites the presence of an "elasticized shell waistband" in the garment shell. (See claim 1.) That's the first waistband. Claim 1 also recites the presence of an "elasticized support waistband" in the inner absorbent assembly. (Id.) That's the second waistband.

Coates fails to disclose, teach, or suggest two elasticized waistbands. Instead the cited reference notes that the pocket sling is attached to, or under, the elastic 11, which is designed to "hold the pant to the body of the wearer." (See col. 4-5, para. 82.) In other words, there is a single elastic waistband, attached to the pant, to which the sling is then attached. Accordingly, we respectfully request that the Examiner withdraw this anticipation rejection and allow claims 1, 2, 4, 13, 14, 16, and 17.

The Coates reference also fails to disclose an absorbent pad defining a front region and a back region, with the "back region terminating in the crotch region of the garment shell" (See claim 31 in the present application.) The Abstract and drawings in Coates generally show and describe a "sling" with two opposed "pocket parts" for retaining a fluid absorbent pad extending through the crotch region rather than terminating at the crotch region. (See Abstract and drawings.) By comparison, currently amended claim 31, and the drawings, clearly depict an absorbent pad having a back region terminating in the crotch region of the garment shell. Accordingly, we respectfully request that the Examiner withdraw this anticipation rejection and allow claims 31, 32, 36, and 42.

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Rejection of Claim 18 Under 35 U.S.C. sec 103(a)

In an Office Action dated 24 January 2007, the Examiner rejected the above-identified claim as obvious over U.S. Patent Application Publication Number 2003/0216705 to Coates (the "Coates" reference). We respectfully disagree with the Examiner's analysis and ask that this rejection be withdrawn.

Claim 18 depends from claim 17, which depends from claim 1. Claim 1 recites the presence of both an elasticized shell waistband and an elasticized support waistband. Coates fails to disclose, teach, or suggest two waistbands. Accordingly, for reasons outlined in the preceding section, Coates does not disclose, teach, or suggest the recited claim elements of claim 1, nor the recited claim elements of any claim depending from claim 1, including claim 18. At least for this reason, and without addressing or acquiescing in the Examiner's position with respect to other claim elements discussed in the 24 January 2007 rejection, we respectfully request that the Examiner withdraw this obviousness rejection and allow claim 18.

Rejection of Claims 15 and 37 Under 35 U.S.C. sec. 103(a)

In an Office Action dated 24 January 2007, the Examiner rejected the above-identified claims as obvious over U.S. Patent Application Publication Number 2003/0216705 to Coates (the "Coates" reference) in view of U.S. Patent No. 5,700,256 (the "Yamamoto et al." patent). We respectfully disagree with the Examiner's analysis and ask that this rejection be withdrawn.

Claim 15 depends from claim 1. Claim 1 recites the presence of both an elasticized shell waistband and an elasticized support waistband. Coates fails to disclose, teach, or suggest two waistbands. Accordingly, for reasons outlined in the section addressing the anticipation rejection, Coates does not disclose, teach, or suggest the recited claim elements of claim 1, nor the recited claim elements of any claim depending from claim 1, including claim 15. At least for this reason, and without addressing or acquiescing in the Examiner's position with respect to other claim elements discussed in the 24 January 2007 rejection, we respectfully request that the Examiner withdraw this obviousness rejection and allow claim 15.

Claim 37 depends from claim 31. Claim 31 recites the presence of an absorbent pad defining a front region and a back region, with the "back region terminating in the crotch region of the garment shell" (See claim 31 in the present application.) Coates fails to disclose, teach, or suggest an absorbent pad having a back region terminating in the crotch region. Instead, as discussed above, the

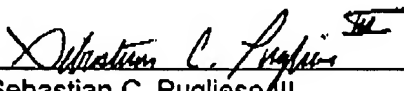
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entire Coates disclosure appears to be disclosed to an article having a sling with opposed pocket parts for retaining a fluid absorbent pad that extends through the crotch region. Accordingly, for reasons outlined in the section addressing the anticipation rejection, Coates does not disclose, teach, or suggest the recited claim elements of claim 31, nor the recited claim elements of any claim depending from claim 31, including claim 37. At least for this reason, and without addressing or acquiescing in the Examiner's position with respect to other claim elements discussed in the 24 January 2007 rejection, we respectfully request that the Examiner withdraw this obviousness rejection and allow claim 15.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2747.

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